
CALL TO ORDER:

Mr. O'Leary called the meeting to order at 7:34pm and stated the meeting was open to the public in compliance with Public Law 1975, Chapter 231, sections 4 & 13.

FLAG SALUTE

ROLL CALL: Members Present: Luthman, Randazzo, Corcoran, Straub,
Leuthe, Taylor, O'Leary, Hughes(7:40pm).

Members Excused: Fette.

Members Absent: Didyk.

Also Present: Ursula Leo, Esq.
Nevitt Duveneck, PE

COMPLETENESS/ HEARINGS:

1.) O'Connor, John & Carolyn MNR10-14, VAR10-15 B:14 L:4,5,

Mr. O'Leary read a letter from the applicant's attorney asking to carry the application to the February 24, 2011 meeting. A motion to carry the application and notice to the February 24, 2011 meeting date was made by Mr. Corcoran. It was seconded by Mr. Randazzo and failed with a roll call vote. Ayes: Corcoran, Leuthe. Voting against the motion: Luthman, Randazzo, Straub, Taylor, O'Leary. The applicant will need to re-notice.

Mr. Hughes joined the meeting at 7:40p.m.

2.) Cava Winery & Vineyard VAR10-16 B:9 L:2.07

Mr. Duveneck referred to his report dated November 3, 2010 and recommended the application be deemed complete. Mr. O'Leary opened the meeting to the public for comment on this application. With nobody coming forward, the meeting was closed to the public.

Mr. Hughes and Mr. Corcoran stepped down for this vote due to the fact it was for a use variance.

A motion to deem the application complete and carry the notice to the December 16, 2010 meeting date was made by Mr. Randazzo. It was seconded by Mr. Leuthe and passed with a roll call vote. Ayes: Luthman, Randazzo, Straub, Leuthe, Taylor, O'Leary.

3.) Barnside, Inc. VAR09-14 B:24 L:3.06

This application was deemed complete on 10/28/2010 and had been carried to the 12/16/2010 meeting date.

4.) Beaver Run Solar Farm SP10-11 B:25 L:2 & 4.01

Mr. O'Leary noted Mr. Hughes and Mr. Corcoran did not sit in on the use variance portion of the application however they were going to participate in the site plan portion of the hearing. Mrs. Straub was not in attendance for the use variance portion of the application however she was going to participate in the site plan portion of the application. Mr. Kevin Kelly, attorney for the applicant, said he had no objection to these members participating in the site plan portion of the application.

Mr. Kelly explained to the Board the urgency of the application and the financing involved. He marked and entered a letter written by him and dated 11/11/2010 which explained the construction timeline as exhibit A-11. He said he was seeking approval so the applicant could apply for building permits the following Monday.

Mr. Troy Henson, who was previously sworn in, clarified the issue of starting a significant amount of work. Mr. Kelly noted they will only be addressing phase I of the project.

Mr. Duveneck went over his report dated 10/16/2010. He recommended the requested waivers be granted and the application be deemed complete.

Mr. O'Leary opened the meeting to the public on the issue of completeness. With nobody coming forward, the meeting was closed to the public.

A motion to deem the application complete with the approval of the temporary waivers was made by Mr. Hughes. It was seconded by Mr. Randazzo and passed with a roll call vote. Ayes: Hughes, Luthman, Randazzo, Corcoran, Straub, Leuthe, Taylor, O'Leary.

Mr. Thomas Knutelsky, who was previously sworn in, explained the previously entered exhibits A-2, A-3 and A-4 to the Board. He gave a brief presentation of the property to the Board and discussed the rock outcropping, pasture land, trees, soil, shade abatement area, fall protection area and fencing of the property. He said they are proposing an 8' fence around the facility and there will be no new roadways put in. They are going to use 4 wheel drive vehicles to access the site. He said they are proposing a solar facility that consists of approximately 1463 panels mounted on steel supports on 2.5 acres. He explained the size and weight of the panels. He said there will be no lights or signs except safety warning signs placed within the site. They are proposing four parking spaces on an existing gravel area for employees if needed.

A color rendering of sheet 3 of 7 of the preliminary and final site plan with minor modifications, which was not dated, was marked and entered as exhibit A-12. The revised plan shows a reduction in the number of inverters from 9 to 4. The gravel area under the panels will be changed to low growth vegetation. The modifications included the proposed conservation easement.

Mr. Knutelsky said they are proposing the removal of 2 _ acres of top soil and the existing vegetation and replacing it with a low growth vegetation. They are removing some of the forestation and replacing that with shrubs. The stumps of the trees that are removed will be left in place to help prevent any erosion. The stumps will be 12 to 18" high. The E.I.S document contains stormwater calculations. Mr. Knutelsky used exhibit A-3 to explain the existing pond and its water level. The proposed changes to the land will increase the water level in the pond however the water will not leave the pond.

Mr. Knutelsky said the noise level will be no greater than 65 decibels during the day and the inverters are not in operation during the night so they make no noise. He said he had analyzed the view corridors on the adjacent properties s and they found that the homes to the north and east of the site may be able to see phase I however they are in Wantage Township. He said there may be visibility from Fox Hill Road however there are no homes in that area. He said during the fall and winter there is visibility from Lewisburg Road. There are a few homes on Beaver Run Road however they will not be able to see the proposed phase I site. The homes on Lewisburg Road have multiple layers of vegetation that need to be viewed through to see the site. He said the soil erosion plan was submitted to the County earlier in the day. Mr. Kelly said he will get copies to the Board.

Mr. Knutelsky marked and entered as exhibit A-13 a document entitled a "Sequence of Construction for Phase I". He went over the document with the Board.

Mr. Knutelsky addressed Mr. Banisch's report and certified that no wetlands or buffer were found in the phase I area of the project. He said he walked the site and looked for certain classification of wetlands and steams and none were found. He said he found no wetland vegetation or any example of wetlands on the site. He said the site did not show up as a natural heritage priority site on the D.E.P. website. He said the phase I area is not considered to be prime forest area. He discussed the endangered species known to the area and said he spoke to two senior zoologists, Kris Schantz and Kim Korth, both from the Division of Fish and Wildlife who were of the opinion that the habitat in the area of phase I of the project did not seem suitable for the endangered species listed on the D.E.P. website. He said the shade abatement area is not a prime habitat area for endangered species.

Mr. Knutelsky marked and entered as exhibit A-14 a Geological Survey of New Jersey Indian Habitation in Sussex County. He discussed the survey and said there are no known archeological remains in the area.

Mr. Charles Shotmeyer gave a brief history of the property and noted the property has been in his family since 1962. He said the existing farmhouse was built in the 1930's. Mr. Knutelsky said the farmhouse is not on any historic registry.

Mr. Banisch asked if there were sightings of any of the listed endangered species even though suitable habitat was not present. Mr. Knutelsky said there were no sightings.

Mr. O'Leary asked if emergency vehicles can access the existing gravel driveway to which Mr. Knutelsky said yes. He said they will get a letter from the local EMS. They are not proposing to pave the driveway. Mr. Duveneck felt the driveway was navigable.

Mr. O'Leary asked if they are planning to change the existing gate to which Mr. Knutelsky said no. Mr. O'Leary requested the fencing be of a dark color so it does not stand out against the landscape. Mr. Shotmeyer said they will use a black fence.

Mr. O'Leary asked about a recycling plan. Mr. Henson said the aluminum is recyclable and will be taken offsite for scarp metal. Mr. Banisch felt a recycling plan should be submitted. Mr. Kelly agreed to submit a plan. Mr. Banisch suggested a decommissioning plan submitted as well. Mr. Kelly agreed to this as well.

Mr. Duveneck requested a preconstruction meeting. Mr. Kelly agreed with this request. Mr. Luthman asked if the applicant has submitted anything to the County. Mr. Kelly said they have discussed the application with the County however they have not submitted anything to date. Mr. Luthman noted the applicant will need to get County approval before a building permit is issued.

Mr. O'Leary asked why the number of inverters went from 9 to 4. Mr. Henson said there is a constrained supply with the smaller inverters so they are proposing larger inverters. He said the noise level is the same.

Mr. Banisch expressed a concern with soil erosion stabilization measures. Mr. Knutelsky explained what they will do to prevent erosion during the winter months. He said the disturbed area is only on the construction area. The shade abatement area is not considered disturbed because they are leaving the tree stumps in place. Mr. O'Leary expressed a concern about dust. Mr. Henson said they will use mulch to hold down the dust until the vegetation grows. Mr. Banisch suggested a condition of approval be that no soil is removed from the site.

Mr. Taylor asked what the distance is from the houses on Lewisburg Road to the back of the solar panels. Mr. Knutelsky said it will be about 1600 to 1700 feet.

Mr. Leuthe asked if the contour of the land will be changed where the panels are going. Mr. Knutelsky said they will remove the vegetation however they will not intentionally change the contour of the land. Mr. Randazzo asked how the panels will remain level if it follows the contour of the land. Mr. Knutelsky said the panels will follow the contour of the land. Mr. Henson said the panels will be stepped to accommodate the contour of the land.

Mr. Randazzo asked what the wind load is for the panels to which Mr. Henson said 130 miles per hour. Mr. Randazzo asked if the zoologist from the Division of Fish and Wildlife ever visited the site to which Mr. Knutelsky said no.

Mr. Luthman asked about the maintenance of the panels. Mr. Henson said the panels may need to be washed about three times a year. He said they will be using the water on site to wash the panels. He said they do not require a lot of water to wash them with. He said they will only use a cleaner if a film develops on the panels. Mr. Banisch suggested that a condition of approval be that no cleaners are used and if they are needed the applicant will need to come back to the Board for approval. Mr. O'Leary expressed a

concern about the dust coming from any mowing done. Mr. Henson said they are anticipating one mowing a year and that would be done in connection with the washing.

Mr. O'Leary opened the meeting to the public. With nobody coming forward, the meeting was closed to the public.

The Board took a 5 minute break.

Mr. O'Leary asked if there are cattle on the property presently. Mr. Shotmeyer said that only corn is being grown on the property presently. He said they are going to bring cattle back to the property.

Mr. O'Leary noted there may be roll back taxes. He asked if the energy is being used on lot 4.01. Mr. Shotmeyer said the energy will be used for the existing house and other uses on the property owned by the Shotmeyers. There was a discussion on where the electricity would be used or be sent to if not used. Ms. Leo said the roll back taxes will be a question for the tax assessor. Mr. Duveneck asked if phase II will be considered a net meter system to which Mr. Shotmeyer said no.

Mr. O'Leary opened the meeting to the public. With nobody coming forward, the meeting was closed to the public.

There was a lengthy discussion on the conditions that should be considered.

A motion to approve the preliminary and final site plan application for lot 4.01 with the noted conditions was made by Mr. Randazzo. It was seconded by Mr. Hughes and passed with a roll call vote. Ayes: Hughes, Luthman, Randazzo, Corcoran, Straub, Leuthe, Taylor, O'Leary.

Mr. Luthman expressed a concern that the project may not go forward because phase II may be difficult to obtain. He felt the Land Use Board has been put in a difficult position and felt it would not be a great ratable.

AUDIENCE:

Mr. O'Leary opened the meeting to the public. With nobody coming forward, the meeting was closed to the public.

OLD BUSINESS:

NEW BUSINESS:

There was discussion on the need for the December 23, 2010 meeting.

A motion to cancel the December 23, 2010 meeting date was made by Mr. Corcoran. It was seconded by Mrs. Straub and passed with a roll call vote. Ayes: Hughes, Luthman, Randazzo, Corcoran, Straub, Leuthe, Taylor, O'Leary.

RESOLUTIONS:

1.) Beaver Run Solar Farm SP10-11 B:25 L:4.01

A motion to approve the resolution with the noted changes was made by Mr. Randazzo. It was seconded by Mr. Leuthe and passed with a roll call vote. Ayes: Luthman, Randazzo, Leuthe, Taylor, O'Leary.

ORDINANCES: None.

ZONING REPORT: None.

BILLS: List #11.

A motion to pay the bills as presented was made by Mr. Leuthe. It was seconded by Mr. Randazzo and passed with a roll call vote. Ayes: Hughes, Luthman, Randazzo, Corcoran, Straub, Leuthe, Taylor, O'Leary.

EXECUTIVE SESSION: None.

CORRESPONDENCE:

- 1.) From: Gary Needleman, Esq.
Re: Cava Winery & Vineyard Escrow Account

ADJOURNMENT:

A motion to adjourn was made by Mr. Randazzo. It was seconded by Mrs. Straub and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo
Land Use Board Secretary